

- 3 -

REMARKS

In the Office Action mailed January 10, 2003 the Examiner (a) required restriction to one invention, and set out two proposed claim groups from which to choose, namely Group I of claims 1 – 25 and Group II of claims 26 – 39; and (b) required an election of species between species variously identified in Figures 1, 6, 7, 8 and 12.

Restriction to One Invention

The applicant elects, with traverse, to prosecute the first group identified by the Examiner, namely claims 1 – 10 as filed, with the addition of dependent claims 12 – 15. To that end the applicant has amended claims 12 and 13 to depend from claim 10, rather than from claim 11 as filed.

Grounds of Traverse

The applicant has amended claim 26 to be generic, and thus to remove the basis for requiring a restriction between it and any of the other independent claims, including independent claim 1. As such, the applicant submits that all of the claims of the present case can be, and should be, examined on their merits as presently amended. The applicant notes that the searching burden in this case will not be increased by examination of all the claims presently pending in this matter.

The applicant further respectfully submits that the distinctions between claims 1 and 35, namely on the basis that the sub-combination of claim 1 has separate utility as a “device for use with a static warehouse shelf” are not well founded. The utility of the device is explicitly stated in the preamble: “A coil stop for a rail road coil car”. It is therefore somewhat difficult to see how a “device for use with a static warehouse shelf”, the utility suggested by the Examiner, can be said to be applicable. As such, the applicant submits that this ground is not supported by the language of claim 1, and respectfully submits that at least to that extent a substantive basis for requiring restriction has not been established.

The applicant respectfully makes the same submission with regard to the stated reasons provided by the Examiner in support of requiring restriction between claims 1 and 38, claims 17 and 26, 17 and 35, or 17 and 38.

21111097.1

- 4 -

In the event that the Examiner is not fully in accord with the applicant's submissions, then, as is required, the applicant elects to prosecute Group I, but including claim 26, as amended, and all claims dependent therefrom. In the further alternative, if the Examiner is not in accord with including amended claim 26, and the claims dependent therefrom, in Group I, then, as a final election, as required, and with traverse as stated above, the applicant elects Group I as identified by the Examiner in the office action of January 10, 2003.

Election of Species

The applicant further elects to prosecute the species of Figure 6. It is believed that claims 1, 2, 4 - 13, 15 - 25, 26 - 34, 35 - 39 all read on this embodiment.

The applicant respectfully requests that, notwithstanding the foregoing election of species that the Examiner also examine claims 3 and 14 on the merits. The applicant respectfully submits that such examination will not increase the searching burden required in the case, or measurably increase the level of complexity of the examination of the case.

Elections Made Without Prejudice

The required default election under the restriction requirement, (made subject to traverse), and the election of species made above are made without prejudice to the Applicant's right to undertake prosecution of the non-elected claims at a later date by way of continuation or division, as the case may be, of this application.

Applicant Requests Further Notice

In the event that the Examiner proposes to sustain the current requirement for restriction, and, in particular if the Examiner proposes to advance new grounds to support such a requirement for restriction, the applicant respectfully requests that the applicant's representative be notified by telephone before such a requirement is made final so that the applicant may have a full and fair opportunity to (a) traverse such new grounds as may be stated; or (b) to amend the claims to overcome such new grounds as may be stated. That is, the present traverse is provided to overcome the present requirement for restriction. It is the applicant's explicit intention to amend the claims or provide argument to for the explicit purpose of removing grounds for requiring a restriction in this case.

21111097.1

- 5 -

Amendments to the Claims

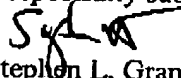
Claim 17 has been amended to correct a spelling error.

Claim 26 has been amended as noted above, to be generic. Depending claims 27 to 34 have been amended to conform to claim 26 as presently amended.

Conclusion

In view of the foregoing arguments and claim amendments, the applicant submits that the claims pending in this case are presently in a condition for allowance. Therefore, the applicant requests early and favourable disposition of this application.

Respectfully submitted,


Stephen L. Grant
Reg. No. 33390
Hahn Loeser & Parks LLP
1225 W. Market St.
Akron, OH 44313
330-864-5550
Fax 330-864-7986
slgrant@hahnlaw.com

- 6 -

Version with Markings to Show Changes Made**IN THE CLAIMS**

17. (Amended) A coil stop for a railroad coil car, the coil car having a trough structure in which to carry coils, the trough structure having two sides and a longitudinal dimension, said coil stop having a weight, said coil stop comprising:

a first member for blocking motion of the coils along the trough structure;

said first member being mounted [spanwise] spanwise relative to the trough structure;

said first member being repositionable along the trough structure;

a releasable securement fitting connected to said first member, operable to locate said first member relative to the trough structure;

at least one transport fitting connected to said first member, said transport fitting including a roller connected to said first member, said roller being movable between a first position and a second position relative to said first member;

in said first position said roller being operable to ride longitudinally on the trough structure; and

said roller supporting a greater portion of weight of said first member when in said first position than when in said second position.

26. (Amended) A [combination of a rail road coil car and a] coil stop for use in [combination therewith, the] a rail road coil car, the rail road car having a trough structure for carrying coils, the trough structure being supported by rail car trucks for rolling motion along a rail road track, the coil stop being [mounted] for mounting across the trough structure, wherein [and having retractable rollers, the retractable rollers] said coil stop includes a movable transport fitting, said movable transport fitting being operable to engage the trough structure and to facilitate repositioning of the coil stop along the trough structure.

- 7 -

27. (Amended) The [combination] coil stop of claim [26] 34 wherein said coil stop has an actuator connected to said rollers, said actuator being operable to place rollers in a first position in which said rollers engage said trough structure.
28. (Amended) The [combination] coil stop of claim 27 wherein said rollers are biased away from said first position.
29. (Amended) The [combination] coil stop of claim 28 wherein said rollers are biased by gravity.
30. (Amended) The [combination] coil stop of claim [26] 34 wherein said coil stop has a releasable securement fitting operable to locate said coil stop in a fixed position relative to said trough structure.
31. (Amended) The [combination] coil stop of claim [26] 34 wherein said coil stop has a mid-span handle connected to move said retractable rollers to an engaged position relative to said trough structure.
32. (Amended) The [combination] coil stop of claim 31 wherein said coil stop has a step mounted thereon.
33. (Amended) The [combination] coil stop of claim 32 wherein said step is mounted adjacent to said handle.
34. (Amended) The [combination] coil stop of claim 26 wherein said [trough structure has a central walkway extending longitudinally with respect thereto] movable transport fitting is includes retractable rollers, said rollers being movable to engage said trough structure.